

House File 627 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 90)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to open burning of residential waste in certain
2 areas of the state and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1245HV 83
5 tm/nh/14

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1 1 Section 1. Section 455B.133, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. a. Adopt rules to prohibit the open
1 4 burning of residential waste within any of the following
1 5 areas:
1 6 (1) Beginning January 1, 2010, any city with a population
1 7 of two thousand five hundred or more.
1 8 (2) Beginning January 1, 2011, any city with a population
1 9 of one thousand or more.
1 10 (3) Beginning January 1, 2012, any city with a population
1 11 of five hundred or more.
1 12 (4) Beginning January 1, 2013, any city in the state.
1 13 b. The population of a city as described in this
1 14 subsection shall be based on the most recent federal decennial
1 15 census.
1 16 c. The rules shall allow for conducting prescribed burns
1 17 for purposes of restoring, reconstruction of, or managing
1 18 natural area vegetation such as prairies, grasslands,
1 19 wetlands, woodlands, or wildlife habitat areas.
1 20 d. This subsection shall not apply to the burning of
1 21 landscape waste generated as a result of agricultural
1 22 activities such as the harvesting of crops or raising of
1 23 livestock and also shall not apply to the burning of land
1 24 managed under the federal conservation reserve program under 7
1 25 C.F.R. pt. 1410.
1 26 e. This subsection shall not apply to the open burning of
1 27 natural disaster rubbish caused by a natural disaster for
1 28 which the governor proclaims a disaster emergency pursuant to
1 29 section 29C.6. Natural disaster rubbish includes but is not
1 30 limited to landscape waste and demolished or damaged
1 31 structures.
1 32 f. This subsection shall not apply to supervised open
1 33 burning at a tree and tree trimming burning site operated by a
1 34 political subdivision.
1 35 g. A person who is found in violation of the prohibition
2 1 on burning residential waste under this subsection shall not
2 2 be subject to an enforcement action other than the assessment
2 3 of a civil penalty pursuant to section 455B.109. Criminal
2 4 penalties provided in section 455B.146A shall not apply to
2 5 violations of the provisions of this subsection.

EXPLANATION

2 7 This bill relates to open burning of residential waste in
2 8 certain areas of the state.
2 9 The bill requires the environmental protection commission
2 10 to adopt administrative rules prohibiting the open burning of
2 11 residential waste in cities. The prohibition begins on
2 12 January 1, 2010, in cities with a population of 2,500 or more;
2 13 on January 1, 2011, in cities with a population of 1,000 or
2 14 more; on January 1, 2012, in cities with a population of 500
2 15 or more; and on January 1, 2013, in all cities in the state.
2 16 The bill provides exceptions to the open burning
2 17 prohibition for residential waste for prescribed burns, the

2 18 burning of landscape waste generated from agricultural
2 19 activities, the burning of natural disaster rubbish, and
2 20 supervised burns at a tree and tree trimming burn site.
2 21 The bill provides that a person who is found in violation
2 22 of the prohibition on burning residential waste shall not be
2 23 subject to an enforcement action other than the assessment of
2 24 a civil penalty. Criminal penalties shall not apply.
2 25 LSB 1245HV 83
2 26 tm/nh/14